

RECEIVED
CENTRAL FAX CENTER

AUG 08 2006

Practitioner's Docket No. NAI1P456/00.163.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lee Codel Lawson Tarbotton

Application No.: 09/785,222
Filed: February 20, 2001
For: SOFTWARE AUDIT SYSTEMGroup No.: 2131
Examiner: L. ChaiMail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed May 8, 2006, for a second time rejecting claims 11-5, 7, 8, 10-23, 25, 26, 28-41, 43, 44, 46-54, and 58-61.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

08/09/2006 AKELECH1 00000046 501351 09785222

01 FC:1401 500.00 DA

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10^{*}
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

___ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

___ 37 C.F.R. § 1.8(a)
___ with sufficient postage as first class mail.

___ 37 C.F.R. § 1.10^{*}
___ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

✓ ___ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date:

8/8/2006

Signature

April Skovmand

April Skovmand

(type or print name of person certifying)

^{*} Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

AUG 08 2006

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

Other than a small entity \$500.00

Notice of Appeal fee due \$500.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$500.00

TOTAL FEE DUE \$500.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$500.00 to Deposit Account No. 50-1351 (Order No. NAI1P456).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

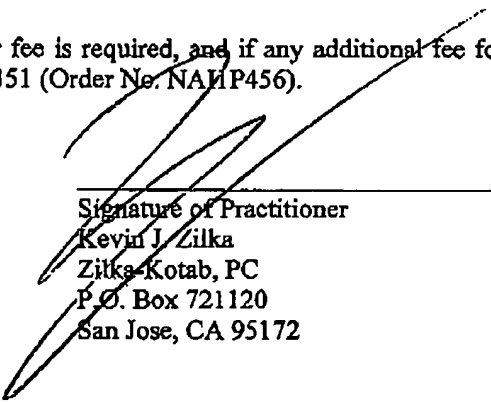
A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P456).

Date: 8/8/06

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner

Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172